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GOVERNOR SAMUEL W. PENNYPACKER, FOR THE COMMONWEALTH OF PENNSYLVANIA.

Nations that fail to give due recognition to the achievements and the characters of the able men among them who have aided in the upbuilding of their institutions, either still linger within the trammels of barbarism or are moving on the downward path toward decadence. We are met together in this ancient churchyard, where in peace rest the most honored of the city's dead, to give expression to the general appreciation of a citizen of Pennsylvania whose career was filled with important labors and who reached unusual distinction. Of no other man could it be written with truth that he signed the American Declaration of Independence, the Constitution of the United States, and the decrees of its Supreme Court. In a certain sense he was the creator of the nation as we know it to-day. His views more it may be than those of any other man determined the principles which became embodied in the Federal Constitution.

The people of the Commonwealth represented here by this large and intelligent concourse cherish his memory and repeat his praises for another and even a weightier cause. It is a comparatively easy task to write a frame of government. That task was accomplished by Harrington, by Bacon, by Sir Walter Raleigh and by Sir Thomas More, but without any substantial result. To have a theory of government accepted by the people and started into practical operation is to overcome

almost insuperable obstacles. The adoption of the Federal Constitution met with the most strenuous opposition. The struggle was transferred to Pennsylvania. She was the first of the great States to express her approval and after she had spoken and her influence had been exerted the end was no longer uncertain. George Washington then cheerfully wrote that she had "decided in its favor" and that "there is the greatest prospect of its being adopted by the people." The result, so momentous for the nation and so fateful for the future of the world, was due to the speeches and the efforts of James Wilson.

Exact in his reasoning and almost a prophet he wrote nearly a century and a quarter ago these words of tremendous import:

"That the Supreme Power therefore should be vested in the people, is in my judgment the great panacea of human politics. It is a power paramount to every constitution, inalienable in its nature and indefinite in its extent."

If the development and extension of the national authority can be legally supported it must be by the acceptance of his doctrine that the government possesses not only the powers specifically conferred by the Constitution but in addition those which inhere in every nation and which the States were not capable of granting. Let American men and women who are to-day reaping the benefit of his mature and intelligent thought see to it that his memory be kept green throughout the centuries yet to come.

SAMUEL DICKSON, CHANCELLOR OF THE LAW ASSOCIATION
OF PHILADELPHIA FOR THE BAR OF PENNSYLVANIA.

Judged by the highest standards, James Wilson was a learned and accomplished lawyer. His preparation for the study of the law had been the old familiar system of

instruction in classical studies and philosophy, which for mental discipline and culture has not yet been superseded, and he had the rare privilege of reading as a student in the office of John Dickinson, who had himself studied in the Inns of Court.

Admitted to the Philadelphia Bar in 1767, a few years of practice in Carlisle and other towns, in the interior of the State, further prepared Wilson for what was before him. When the controversy between the Colonies and Great Britain began, it is probable that no single influence was so potent as the writings of his old preceptor to arouse, instruct and mould public opinion. It was under the guidance of lawyers like Dickinson in the middle and southern colonies, that the war of the Revolution was begun and conducted throughout, as one of self-defense for the preservation and protection of the constitutional rights and privileges of the colonists. Hence, the Continental Congress declared that the inhabitants of the colonies were entitled to all the rights, privileges and immunities of free and native-born subjects within the realm of England. Wilson shared in these views, and concurred in thinking, during the debate upon the resolution in favor of the Declaration of Independence, that such action was still premature; but when the resolution had been adopted, he waived his objections and became one of the signers. It was a lucky circumstance, that that document was adopted by the united colonies, which, it was declared, "are and of right ought to be free and independent states." Thereby they preserved the autonomy of the several colonies as self-governing communities and carried over that body of common law which has ever since been, in each of them, the foundation of its jurisprudence. This is the law which really comes home in Bacon's phrase, "to men's business and bosoms," it is daily administered in our courts and governs substantially all the transactions and relations of private life, and above all, the great ends of liberty, in Wilson's own words, "are kept steadily and constantly in view." By reason of its acceptance in this country, its latest his-

torian was warranted in saying: "And now that system reigns over a vast part of the habitable globe and, indeed, is beyond all question the greatest system of law that the world has ever seen."

The American Revolution was thus made through the guidance of Wilson, McKean, Dickinson and their fellow lawyers, a conservative revolution, which, while severing the connection with the mother country, held on to all that was best in its institutions—down to that time the best the world had known.

Wilson's hesitation in urging the adoption of the Declaration and his opposition to the Pennsylvania Constitution of 1776, defeated his reelection to the Continental Congress in 1777, and for a year he practiced law in Annapolis, after which he returned to this city. From that time till his appointment as Associate Justice of the Supreme Court he was one of the leaders of the Old Bar of Philadelphia. During the closing years of the Revolution, when party feeling ran high, he had the courage to appear for defendants charged with treasonable intercourse with the enemy. So strong a resentment was aroused that his dwelling was attacked by a mob, but he never faltered in the discharge of his professional duty. Mr. Rawle in his too brief sketch of Wilson, said, "He and his associates never shrunk from such contests, and if their efforts frequently failed, it was not from want of pains or fear of danger." It was not, however, until 1787 that he was able to give to his adopted country the full advantage of his powers as an advocate, and of his learning in the law and in the practice and theory of government.

The convention, which assembled in Independence Hall to prepare the Constitution, was composed of fifty-five members, of whom thirty-one were lawyers. None had a more complete familiarity with the precedents to be found in history, ancient and modern, and especially with English Constitutional History, than Wilson, and none was more fertile in suggestion, or better trained for debate, nor were discussions ever more fruitful of result.

The small number of delegates and the privacy of the sessions of the convention removed any temptation to talk for talk's sake. Many of the members were already experienced in constitution-making. All had been thinking for years of questions concerning the form and administration of government. Some, like Wilson, knew all that could be acquired from the study of the institutions of other countries. Such a combination of theoretical and practical knowledge had never been assembled, and to this familiarity with the past and a living acquaintance with the workings of the systems then in existence, was added, on the part of Wilson and others, far-sighted and broad appreciation of the future. Better than all else, was the spirit of concord and concession which animated the whole body, and which more than justified Madison's statement, "derived," as he wrote, "from an intimate opportunity of observing and appreciating the views of the convention, collectively and individually, that there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives or more exclusively or anxiously devoted to the task committed to them, than were the members of the Federal Convention of 1787." The strongest illustration of the truth of this statement is found in the readiness with which the members subordinated their individual views and acquiesced in conclusions to which they had strenuously objected. Thus Wilson, who was, next to Gouverneur Morris, the most frequent speaker on the floor of the Convention, failed to secure the acceptance of his views as to the election of senators by the people; the vote of States in the Senate; the filling of vacancies in that body by the Executive; the approval of appointments by the Senate; the sitting of the Senate when Congress was not in session; the right of the House of Representatives to originate money bills; the administration of oaths; the prohibition of the power to tax exports; and the suspension of the right of habeas corpus: just as Hamilton said, that "no man's ideas were more remote from the plan than his own were known to be—"

and yet Wilson and Hamilton did more than any other two men to secure the adoption of the Constitution.

When the Constitution came to be submitted for acceptance to the people of the several states, the speeches of Wilson before the meeting of the Constitutional Convention called in Pennsylvania, and in that body, were models of persuasive and convincing argument; and it is the common judgment of historians that to him must be ascribed the adoption of the Constitution by Pennsylvania, without which it most probably would never have gone into force. He broadly asserted that "regarding it in every point of view, it is the best form of government which has ever been offered to the world," and answered the objections, one by one. That most strongly and effectively urged, was that there was no bill of rights, to which he replied by stating the distinction now familiar to every student, in language so clear and explicit that it has never been improved upon:

"When the people established the powers of legislation under their separate governments, they invested their representatives with every right and authority, which they did not in explicit terms reserve. But in delegating federal powers, another criterion was necessarily introduced and the congressional power is to be collected, not from tacit implication, but from the positive grant expressed in the instrument of the union. Hence it is evident, that in the former case everything which is not reserved is given; but in the latter the reverse of the proposition prevails, and everything which is not given is reserved."

In answer to the objection to the final clause of the first Article, he replied:

" . . . the concluding clause, with which so much fault has been found, gives no more, or other powers; nor does it in any degree go beyond the particular enumeration; for when it is said that Congress shall have power to make all laws which shall be necessary and proper, those words are limited, and defined by the following, 'for carrying into execution the foregoing powers,' It is saying no more than that the powers we have already particularly given shall be effectually carried into execution."

And again:

" . . . it would be absurd in the body of the people, when they are delegating from among themselves persons to transact certain business, to add an enumeration of those things which they are not to do."

Satisfactory as these statements must be to the lawyer, they did not satisfy the people, and the ten amendments were insisted upon, by the last of which it was declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people," and thus the reservation was made affirmatively which he had contended was already made by implication. No harm has come from the precaution taken.

Upon this occasion it is fitting that it should be said that the adoption of the Constitution, as well as its authorship, was thus mainly the work of lawyers, and as the senior associate of the Supreme Court has well said, "If there be security for life, liberty and property, it is because the lawyers of America have not been unmindful of their obligations as ministers of justice."

In one of his speeches Wilson remarked incidentally, in speaking of the independence secured to the judges, "It may appear too professional to descend into observations of this kind, but I believe that public happiness, personal liberty, and private property, depend essentially upon the able and upright determination of independent judges;" and when tendered the appointment of Associate Justice of the Supreme Court of the United States in September of 1789, he did not hesitate to surrender his large professional earnings, and gladly accepted the position with its meagre salary.

In the same month, the Legislature of Pennsylvania determined to call a Convention to revise the State Constitution, to meet in November. Wilson became an active member of this body, and helped to prepare a Constitution which was ratified on the 2d of September, 1790, and was so satisfactory in its workings that when, a half century later, it was proposed to call a Convention to revise it, the Governor of the State called it "a matchless instrument," and when the Convention assembled, in 1838, the members alluded to it with as much veneration as is now used in speaking of the Federal Constitution.

In the same year he undertook the payment of his last debt to his profession, by accepting a professorship in the University of Pennsylvania, and undertaking to teach those who were to become the lawyers and judges of the future. He thus set an example which has been followed by Kent, Story, Sharswood, and other great jurists.

Such is a brief recapitulation of his many and great services as a lawyer to the public and to his profession. It is with pride and gratitude that the members of the Pennsylvania Bar ask to join in the tribute to the memory of a great lawyer, and a wise statesman.

DEAN WILLIAM DRAPER LEWIS, FOR THE UNIVERSITY OF
PENNSYLVANIA.

James Wilson was at different periods of his life a tutor in the College of Philadelphia, a Trustee of the College, and a Professor of Law. He was a recipient of two honorary degrees, one the degree of Master of Arts conferred upon him by the Trustees of the College in 1766, shortly after his arrival in Philadelphia, "in consideration," as the minutes of the Board express it, "of his merit and his having had a regular education in the universities of Scotland;" the other, the degree of Doctor of Laws given to him by the College twenty-four years later, in recognition of his position as a scholar and a jurist.

It is an interesting circumstance to note that the man through whose influence he first became connected with the University, was Dr. Richard Peters, who in 1766 was rector of this church and also a Trustee of the College of Philadelphia. Young Wilson brought with him, probably from New York or Scotland, a letter of introduction to Doctor Peters. He was suggested for the position of Instructor in the Latin Department and underwent an

examination, acquitting himself so well that he was declared by the examiners to be the best classical scholar who ever offered himself to them as a tutor. In a short time he withdrew from this his first connection with the University in order to devote himself to the study of law.

In 1779 he was elected a member of the Board of Trustees of the College of Philadelphia, a position he retained until 1790. In the latter year the Trustees determined to establish a professorship of law and Mr. Wilson was elected on August 17th to fill the position. He thus became the second person in the United States to hold such a position, Chancellor George Wythe of the College of William and Mary being the first.

The opening lecture of the course in the College of Philadelphia, which was the following year to become the University of Pennsylvania, was delivered in the hall of the Academy at Fourth and Arch Streets, on the evening of December 15, 1790. The commanding position which he had at this time obtained as a public man is shown by the character of the persons who attended the lecture. The President and Mrs. Washington were present, as were also the members of the Cabinet and of both Houses of Congress, representatives of the Governments of the State and City, judges, lawyers and many women prominent in the brilliant social life of the capital.

The lectures as planned covered the entire field of public and private law and were probably destined to extend over a period of two or three years. He only delivered the first part of the course. The course so auspiciously begun, from the point of view of the lecturer and his contemporaries, ended in failure, for the lectures were discontinued in the middle of the second winter, probably because there were no students to attend them.

Our failures are sometimes apparent only. The primary purpose fails, but out of the effort which appears unavailing comes a result better than we designed. This is true of Wilson's connection with the University

of Pennsylvania as a professor of law. After his death, the lectures which as delivered had failed to attract students were collected and published by his son, Bird Wilson. Their author had no chance to revise them, but notwithstanding this fact, and their incomplete character, they are to-day and will continue to be an enduring monument to his memory. No student of our legal or political institutes should fail to master the conceptions of law and sovereignty which he here states, explains and defends. To Wilson the obligation of law does not consist in the fact that it is imposed by a superior, but in the "consent of those whose obedience the law requires." Sovereignty resides and can only reside in the people; not the people collectively but separately—each individual is sovereign. He declares that if a man can be bound by any human authority, it must be by himself, because "he cannot be bound by another." "If no human law can be made except by a superior, no human law can ever be made."

These ideas prove that Wilson was the most democratic among the fathers of our country, prevented from being a scientific anarchist only by his final conclusion, that the individual man can bind himself and by his consent turn a proposed rule of conduct into a binding law.

The extreme democracy of his law lectures was not merely theoretical. In them we have the keynote of his public actions. They explain his opinion in *Chisholm* against Georgia, that a government of the state could be made a party defendant in a court of justice. To him a government, state or national, did not, as such, possess sovereignty. The lectures also make clear his extreme Federalism; while at the same time they explain his desire to have the senators of the United States elected by the direct vote of the people. They reconcile his argument in the case of the Bank of North America, in which he advanced a theory of "implied power" more extreme than any which has been adopted by our courts, with his statement in the Pennsylvania Convention that a bill

of rights in our Federal Constitution is unnecessary, because all power not expressly granted is reserved. A power in a federal government created by a written constitution to incorporate a bank might be implied; but not a power in such a government to do away with any of the safeguards of liberty, such as trial by jury or the right of free speech. The people might be supposed to intend to grant to a national government of their own creation all the powers necessary to efficiently execute the grant, but they could not be supposed to have intended to grant to the government the right to take away their life or property without due process of law.

In one sense James Wilson's connection with the University though interesting is but a minor episode in a career, crowded with important events. Had he never been called to the Chair of Law he would still be one of the foremost figures of his time, but we would not then have possessed, as we now possess, a clear knowledge of the basis of that faith in the people which made him a leader among leaders; and the world would have missed an original, clear and profound analysis of the nature of law and government by this great advocate of the Revolution; this master builder of the Constitution.

S. WEIR MITCHELL, M.D., LL.D., FOR AMERICAN LITERATURE.

Nowhere in all the land is there any burial place which more than this of Christ Church deserves to be called consecrated, if the use of that term be justified by the greatness of the dead who rest within its limits.

In this chancel, beneath these aisles, and in the graveyard of this church their stones record in brief what once was the living history of the state, from the crumbling monuments which cover the children of colonists to the later day when those who made of colonies a country were brought in turn to this their final rest.

Here lie statesman, soldier and sailor of the war of independence. Here too lie in the peace which is past understanding their opponents, the Tory gentlemen who stood for the King.

The mere record of the names of those who lie within these sacred precincts constitutes the biographic history of every great event which has occurred since the land took on its own rule. For here, of the signers of the Declaration, are Franklin, at rest as never in life; Benjamin Rush, physician and statesman; Francis Hopkinson, Robert Morris. On these walls are memorials of the great bishop, William White, and of many colonial servants of that King the prayers for whom the fearless bishop struck from the service book of this church. There was, then, a certain propriety in the thought which results to-day in placing among his peers the body of James Wilson.

Pennsylvania has with some justice been reproached for neglecting to commemorate men who, having been born in the state, have left to it a remembrance of notable achievement. It has also been said that some of the men of whom we are the most proud were not born upon our soil. Of these was James Wilson, who, like Franklin, found in Pennsylvania that freedom of opinion in church and state which determined for both their final choice of a home.

Most fitting it is of all that these who came to us of their own will and helped to make us, should have the hospitality of memory and lasting record in bronze or marble of what they have done. It is with this feeling that I welcome the thought that brought to these sacred grounds the body of James Wilson. His hand is on the declaration which framed our freedom; his thoughts are everywhere in the great bond which for a century and a quarter, amid the embarrassments of peace and prosperity, and the perils of foreign and civil strife, has held together the diverse communities of these many states. Therefore it is that we find it reasonable and just that we lay among the graves of the men who were his fellow-workers

in war and peace, all that is mortal of James Wilson, statesman and jurist, judge and teacher of law.

ANDREW CARNEGIE, LL.D., FOR SCOTCH-AMERICAN CITIZENSHIP.

I rise to add to the tributes already paid to the memory of James Wilson the tribute of his native land of Scotland, speaking as his fellow-citizen of Fife, and as Lord Rector of St. Andrew's University, of which Wilson was a graduate.

The contribution made by the less than two millions of Scotland to the cause of American Independence is remarkable. No less than five signers of the Declaration were Scotch or Scotch-Irish, including Wilson and Wither-
spoon. Hamilton, another Scot, appeared somewhat later on the scene, but his services rank in importance even with those of the fathers. It was quite natural that from the Scotch Presbyterians of Mecklenburg, North Carolina, should come the first demand for independence, for the independence of their native land had been the vital issue which had fired their blood for centuries, hence their sympathy with the colonies and the warm support they received from Scotland itself, culminating in the lines of her greatest genius:

"Columbia's offspring, great and free,
Still flaming far in danger's van;
Ye know and dare proclaim
The Royalty of Man."

The people of Scotland and many in England, desirous of liberty at home, welcomed the uprising of their fellow-subjects here as workers in the same cause.

The man whom we this day honor, and whose unstinted and invaluable services to our country we this day recall, was nursed in his youth at St. Andrew's University upon

democratic ideas. It was Buchanan, of that oldest of Scotch universities, who, three hundred and fifty years ago, first proclaimed in Britain that all power resided in the people and that kings were only to be upheld so long as they wrought the people's good; doctrines which Milton adopted from him at a later day in England. Thus Wilson, like Witherspoon, was democratic and republican, and an intense advocate of independence by virtue of his Scottish birth and education. His name is enrolled justly among those who in the perilous days of the Revolutionary struggle never faltered in their devotion to the rights of man or the cause of American independence.

He was one of the signers of the Declaration of Independence. The signers were not born to die. They have become indestructible parts interwoven into the structure of the Republic. As long as the Republic endures, so long they endure. Franklin and Witherspoon, two of the immortals, have long rested among you. To-day the remains of a third, Wilson, reverently conveyed thither by men who have in so doing rendered high public service, is laid with his colleagues under the egis of Independence Hall, the scene of their chief labors, where was produced, according to Gladstone, the most wonderful work ever struck off at one time by the brain and purpose of man.

Distinguished Americans have to-day paid their tributes to James Wilson and expressed the profound gratitude felt for him by the Republic. It remains for me to say in behalf of Scotland and the Scottish-American element, that they also bow their heads reverently yet proudly in memory of this noble patriot whose record sheds luster upon both his native and adopted lands. He proved himself a man worthy of both. When this can be truly said, as it is said of this eminent Scottish-American, the inquiry, Is life worth living? has its ample answer here. Yes, grandly worth living if lived as James Wilson lived. Let us see to it that his example serves to keep us in the path of duty, faithful to the end, devoted as he was to the Republic founded

upon Liberty through Law, which he did so much to mould.

Of James Wilson, her loyal son, Scotland is justly proud. To James Wilson, her loyal citizen, America is justly grateful, and both will keep his memory green in lasting and honored remembrance.

ALTON B. PARKER, LL.D., PRESIDENT OF THE AMERICAN
BAR ASSOCIATION, FOR THE AMERICAN BAR.

As President of the American Bar Association, I am here to pay tribute on its behalf and my own to the character, achievements and memory of the man who laid the cornerstone of constitutional interpretation in this country upon deep and solid foundations. As the result of his labors and those of John Marshall and Joseph Story and their associates and successors, there has been perfected a system of jurisprudence, which is the most original, as it promises to be the most imposing, monument of our national ideas and institutions.

When the members of the Supreme Court of the United States met in 1789, all the judicial conditions were chaotic. The links of precedent had been broken by revolution, popular opposition to a central court was general, the feeling against appointive Judges and life tenure was strong, and the jealousy of Legislative and Executive Departments was keen and deep-seated. All these elements and forces were so distinctly opposed to the new experiment that the task of welding the almost infinite variety of simple Colonial tribunals and procedure into a centralized and harmonious system of jurisprudence must have seemed to them almost impossible. They might well have asked, "Can these dry bones live?"

In its letter to Congress, submitting the result of its labors, the Constitutional Convention, through its Presi-

dent, George Washington, had emphasized what was then the dominating factor—"the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our national existence." James Wilson, one of the leaders of the convention, who became an Associate Justice, personified this sentiment.

During the first nine years of the Court's existence, only one strictly constitutional case came before it. An opinion was written by this man, whose prescience in foreseeing the result of a controversy between the Federal and State governments must, in the light of a century's history, be pronounced remarkable. Thus, in commemorating the career of the jurist and statesman who began with the very beginning of the greatest court in history, we recognize the work of a forerunner, one whose duty and privilege it was to prepare the way, to make the paths straight.

When studying him we can understand clearly why this Court has stood for permanence and stability, why it has resented the agitator and demagogue, and why it has resisted tyranny and oppression. Most vital of all, we can see why and how it has consistently fixed the law, and made the very warp and woof of our institutions the doctrine that the United States is a nation—strong for the protection of its own existence against internal foes, able to resist outside aggression, and capable of inviting and commanding the loyalty and coöperation of all who owe it allegiance.

MR. JUSTICE WHITE, OF THE SUPREME COURT OF THE UNITED STATES, FOR THE JUDICIARY.

I thank you in the name of the Chief Justice and my brethren of the Court for asking us to take part in these impressive ceremonies, and personally my thanks are extended for the honor conferred upon me in selecting

me to say a few words as the spokesman of the Federal Judiciary collectively considered. I shall only recur to the work of the framers of the Constitution, including that of Mr. Justice Wilson, to the extent necessary to enable me, by recalling the actions of the dead, to fix the duty of those of this generation, the heirs of the wise government which the fathers created.

The attributes which rendered the Constitution possible were moral rather than intellectual. The conception of general and local governments moving in the same orbit had been historically foreshadowed. Such a government was but an evolution of the condition of things existing prior to the Revolution, during that period and subsequently under the Confederation. The delegates who framed the Constitution had a common purpose to create a government of that character, national and state. The difference between them in substance arose from contrariety of opinion as to the steps required to carry out the common purpose. One class favored a wide enumeration of national power; the other a narrower declaration on the subject lest the national should destroy the state governments. The conflict was insoluble. It would have caused the adoption of a Constitution to be impossible had not both sides, from the highest motives of love of country, somewhat yielded. From this it came that a constitution was framed in generic terms, leaving open for future determination many questions which if insisted upon at the time would have rendered the work of the framers impossible. Mark, I do not say that the generic expressions of the Constitution, when fairly construed, were not adequate to give the national government full power. Mark also, I do not say that the powers conferred in generic terms upon the national government were incompatible with the enjoyment of local authority by the states. The framers, of every shade of opinion, doubted and hesitated, but enlightened by love of country and devotion to civil liberty, they trusted to the people who were to be governed by the Constitution to successfully work out the problems left

unsolved. Thus it is true to say that the gratitude which we owe to the fathers is due, not to those who were Federalists or those who were non-Federalists, but to all alike; for a common love of country and willingness to make intellectual sacrifices for its benefit on the part of all called the Constitution into being.

Can we doubt that the high moral attributes which caused the fathers thus to assent to the Constitution under the conditions stated were at the same time an exercise on their part of the highest wisdom? Who can so say in face of the great and noble nation of more than eighty millions of people, stretching from ocean to ocean, who to-day enjoy the blessings of civil liberty under the shelter of the Constitution which the fathers created? And who can declare that this marvelous result has not been largely due to the self-abnegation of the fathers in declining to insist upon the full adoption of their views when the Constitution was framed, thus leaving sufficient flexibility to enable the adjustment of questions as they might arise, instead of wrecking the situation by an insistence upon a determination in advance of the conflicts of opinion which existed? True it is that from the beginning, as the result of the throwing forward to the future of a vast number of constitutional questions in the evolution of our government, every conflict of political opinion and every contrariety of interest has primarily begotten constitutional issues. True it is that for this reason down the more than a century of our constitutional existence there comes to us a perfect babel of voices upholding first one interpretation of the Constitution and then another, changing never in vehemence but ever changing in the view of the Constitution asserted. But thanks be to Almighty God and the wisdom of the fathers through all the turmoil and contention we catch, with no uncertain sound, the voice of the great tribunal selected by the fathers, a human and fallible voice, it is true, but nevertheless one instinctive with love of country and devotion to duty, putting the controversies at rest with the support of the people of the whole country,

upon whose support alone everything in our government depends for ultimate sanction. When I contemplate these marvelous results there arises unbidden an emotion which may not be suppressed and which leads me to exclaim, Blessed and venerated forever be the names of the framers of our Constitution!

We of course know that there was one great subject of controversy as to which the framers compromised, which was impossible of peaceful solution; that passions rose, that the voice of reason was hushed, and one of the mightiest civil wars of all time became flagrant. But to assert that this failure in one respect demonstrates the error of the framers in having pushed forward for future solution questions which, if they had been determined at the time the Constitution was drawn, would have prevented its existence, is completely answered by the great and united country which exists to-day. Let me illustrate this truth:

If it were in our power to-day to call from the mountains, the hillsides, the valleys and the plains wherein they sleep, the host of heroic men who gave up their lives on both sides of the Civil War what think you we should see? A renewal of the struggle between contending armies? What think you we should hear? The wild yell of victory on the one hand or the fierce huzza of triumph on the other? No, no! We should see and hear a mighty host of brothers united in one vast cohort lifting up their voices with one acclaim, saying, "We gave the full oblation of our lives for the perpetuation of the government under the Constitution as it was given to us to see it; oh, preserve it and transmit it to those who are to come!"

As we listen to this great acclaim, how may we fit ourselves to discharge the duty which it calls upon us to do? By keeping in our hearts a devotion to country, a love of free government, and a reverence for the institutions which the fathers have given us.

Another, and it may be a kindred thought, and I have done:

Standing upon the field of Gettysburg, the great and tender soul of Abraham Lincoln turned not to the deathless glory of the heroic dead but to the undying duty of the living, and thus his heart went up in supplication in words which shall never die, that those who lived might be consecrated to the accomplishment of the purpose for which the dead had poured out their blood. So, in an humble way, as I stand here, a participant in these ceremonies commemorative of the placing of all that remains of James Wilson to rest in the bosom of his adopted mother, this great commonwealth of Pennsylvania, my mind turns not to extol his virtues but rather lifts itself up to that Wise and All-Merciful Ruler who holds in the hollow of His hands the destinies of people and nations, with the supplication that these ceremonies may enkindle in all our hearts a keener purpose to preserve and perpetuate the government which our fathers gave us. Not a government of a great and stolid bureaucracy; not a government of infirmity in national power; not a government destructive of the rights of the states; not a government of the sordid few to the detriment of the many, or of the many to the destruction of those inalienable rights of life, liberty, and property upon which our civilization depends. Not any or all of these, but the government of the Constitution, a government of liberty protected by law, which affords the substantial hope that civil liberty may not pass away from the face of the earth.

WILLIAM H. MOODY, ATTORNEY-GENERAL OF THE UNITED STATES AND SPECIAL REPRESENTATIVE OF THE PRESIDENT, FOR THE NATION.

We are joining to-day in an act of long-delayed justice. The occasion is full of interest for every lover of ordered liberty, for every believer in a strong and effi-

cient government, capable of protecting the rights of its citizens, of compelling obedience to its lawful decrees, and of fulfilling its obligations to the other nations of the earth,—of interest because we are commemorating the life of a man who, as much as any other, has made it possible for us to live in security under such a government.

It would not be fitting that, in the ceremonies in which your commonwealth has brought together these varied tributes, the Executive of the National Government alone should be unrepresented or silent. I regret that the President is not here in person to speak the word which ought to be said in its behalf. But in a notable address within your State he has given his estimate of the spirit and tendency of the teachings of James Wilson. I therefore may readily content myself at this moment by expressing to you his sympathy with the feeling which has prompted you to bring home the body of your dead.

While it would be inappropriate that I should enter upon an extended review of the life and services of Wilson, I ask your indulgence for the briefest reference to them. Many years ago, when I read for the first time Madison's report of the debates in the Convention which framed our Constitution, I made my first real acquaintance with James Wilson. I learned that this man, whose name rested but faintly in my memory, had exercised an influence in the Convention which equalled, if it did not surpass, that of any other man. It is one of the mysteries of history, which I have not been able to solve, why his fame has not kept pace with his service. The knowledge which came to him from a liberal education was disciplined by the study and practice of the law. By his speeches and writings he aided in preparing the way for the independence which, as a signer, he helped to declare. As a member of the Congress under the Confederation, he struggled as best he could with the weak and inefficient government set up by that instrument. Thus it was that when he came to the Convention for

the formation of the Constitution, he brought with him views which were enriched by extensive learning and clarified by abundant experience. He sought a government with sufficient power to perform the duties of a nation and, in constructing it, was controlled by a few great principles clearly understood and tenaciously pursued. Recognizing that the ultimate sovereignty rested with the people of the United States, he desired a government whose powers should proceed directly from them and operate directly upon them; a government which in truth should be "of the people, by the people, and for the people." He desired that that government should be endowed with extensive powers, and that in respect of them it should be supreme over all. He realized the inestimable value of the preservation of the State and its powers, but regarded the State and Nation, alike, as the creation of the people and subject to the people's will. He would have followed his principles to their logical conclusion. He would have had the President elected by the majority of the people; he would have had the members of both legislative bodies elected by the people divided into equal constituencies. He was a believer in Democracy and in Nationalism,—the first man, I believe, in all our history who united the two opinions. He had no fears of a strong national government, if it were a government of the people. He was not troubled with the apprehensions which haunted the men of his time, as they have haunted the minds of some men from that day to this, that liberty and property would be insecure under a strong government controlled by the people. He had faith in their intelligence and sense of justice. He recognized the profound truth that if that intelligence and sense of justice failed, all would be lost. He understood clearly that government is not merely a matter of well-devised constitutions and well-expressed laws, but that in the end good government is possible to a people only when they themselves wish, demand and, by their virtues, deserve it. I know of no words more worthy of consideration in our own time than those spoken

by him in the Pennsylvania Convention, called to ratify the Constitution, where he said :

"There is a remedy, therefore, for every distemper of government, if the people are not wanting to themselves. For a people wanting to themselves there is no remedy."

These are solemn words and warn us that when ills in the body politic appear we should treat the disease and not the symptoms, with the full knowledge that among a decadent people there is no health possible.

He appreciated the proper relations of the two governments, State and National, each intrusted with its own supreme powers, to each other and to the people who created both, and how, through the judiciary, the limits upon their powers, imposed by the Constitution, could be made effective.

He left the deep impress of his design upon the work of the Convention. When it was done he had mastered its great outlines and was ready to expound and defend them. With the keen vision of a seer, he discerned that the structure of the Government was destined for the ages, for vast territories and uncounted millions. His view was not limited to the few freemen who then dwelt along the eastern shores. We may imagine him picturing to himself the resistless progress over mountains and rivers and arid plains until the sons of the fathers looked out upon the waters of the Pacific. The prospect did not inspire him with the fear of the timid ones who could see nothing but danger beyond the boundary of their State or section. "If the interior countries," said he, "should acquire the majority, it will not only have the right to govern, but will avail itself of it whether we will or not."

In bringing his body within the commonwealth in which he lived and worked, you have done well to seek by these memorial services to impart the lessons which he taught to the nation to whose existence and firm establishment he so potently contributed. Learning from them, let us find faith in our people and determination to transmit our institutions unimpaired and enriched to those who shall dwell in the land when our day is done.